

AMENDED IN SENATE AUGUST 21, 2014
AMENDED IN SENATE AUGUST 28, 2013
AMENDED IN SENATE JUNE 25, 2013
AMENDED IN ASSEMBLY MAY 14, 2013
AMENDED IN ASSEMBLY APRIL 15, 2013
AMENDED IN ASSEMBLY MARCH 21, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 914

Introduced by Assembly Member ~~Gordon Bradford~~

February 22, 2013

~~An act to add Article 3.5 (commencing with Section 84350) to Chapter 4 of Title 9 of the Government Code, relating to the Political Reform Act of 1974. An act to add Chapter 3.4 (commencing with Section 8265) to Division 1 of Title 2 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 914, as amended, ~~Gordon Bradford. Political Reform Act of 1974: campaign disclosures. Interagency Task Force on the Status of Boys and Men of Color.~~

The California Constitution prohibits a person from being deprived of life, liberty, or property without due process of law, or from being denied equal protection of the laws. The United States Constitution prohibits a state from denying to any person within its jurisdiction the equal protection of the laws. Existing law establishes various advisory

boards and commissions in state government with specified duties and responsibilities.

The federal My Brother's Keeper Initiative, launched by the President in February 2014, required the establishment of the My Brother's Keeper Task Force, an interagency effort to improve the expected educational and life outcomes for and address the persistent opportunity gaps faced by boys and young men of color in the United States.

This bill would create the Interagency Task Force on the Status of Boys and Men of Color, a multiagency advisory body that would serve as a support mechanism for department agency and systems leaders by taking coordinated action in meeting the myriad challenges facing boys and men of color in California, and assisting the respective departments and agencies in more successfully improving life outcomes for this population. The membership of the task force would include members of the Legislature, as well as representatives of specified agencies, departments, and private entities. The bill would set forth the initial and ongoing responsibilities of the task force, including, among others, an assessment of state program alignment with the objectives of the My Brother's Keeper program and the Assembly Select Committee on the Status of Boys and Men of Color in California, and the development of strategies to enhance positive outcomes and eliminate or mitigate negative outcomes for boys and men of color in the state. This bill would establish the Boys and Men of Color Task Force Fund, to carry out the bill's requirements in support of the task force, upon appropriation by the Legislature. The bill would authorize the task force to accept federal funds, gifts, donations, grants, or bequests for all or any of its purposes.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Political Reform Act of 1974 imposes various reporting requirements with regard to contributions and independent expenditures, as defined, made for political purposes. The act establishes the Fair Political Practices Commission as the agency responsible for administering and enforcing the act. A violation of the act's provisions is punishable as a misdemeanor.~~

~~This bill would require the Commission to develop a Nonprofit and Multipurpose Organization Disclosure Statement form. The bill would require that the form provide for the disclosure of specified information relating to certain contributions, expenditures, and independent expenditures made by, and donations made to, a nonprofit corporation. The bill would, except as otherwise provided, require a nonprofit~~

~~corporation to file a Nonprofit and Multipurpose Organization Disclosure Statement, at a time prescribed by the Commission, in any year in which the nonprofit corporation makes combined contributions, expenditures, or independent expenditures in support of or opposition to a candidate, political party, or ballot measure in this state aggregating \$50,000 or more during the nonprofit corporation's fiscal year.~~

~~The bill would require the Commission to make Nonprofit and Multipurpose Organization Disclosure Statements available to the public. The bill would authorize a nonprofit corporation or a donor to the nonprofit corporation to petition the Commission to maintain the confidentiality of information relating to donors and donations. The bill would require the Commission to grant a petition to maintain the confidentiality of donor and donation information if the petitioner establishes by clear and convincing evidence that the public disclosure of donor information will cause undue harm, threats, harassment, or reprisals to the donor, or that the donor did not know or have reason to know that his or her donation would be used to make a contribution, expenditure, or independent expenditure in support of or opposition to a candidate, political party, or ballot measure, as specified.~~

~~By expanding the scope of an existing crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.~~

~~This bill would declare that it furthers the purposes of the act.~~

~~Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.~~

~~State-mandated local program: yes/no.~~

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares as follows:*
- 2 *(a) On February 27, 2014, the President of the United States*
- 3 *launched the My Brother's Keeper initiative to address persistent*

1 *opportunity gaps faced by boys and young men of color and to*
2 *ensure that all young people can reach their full potential.*

3 *(b) The My Brother's Keeper Task Force recognizes that*
4 *challenges facing boys and young men of color affect others as*
5 *well and that it is important to break down barriers wherever they*
6 *exist and identify means of creating ladders of opportunity for all.*

7 *(c) The My Brother's Keeper Task Force was established to*
8 *develop a coordinated federal effort to significantly improve the*
9 *expected life outcomes for boys and young men of color, including*
10 *Black Americans, Hispanic Americans, and Native Americans,*
11 *and to improve their contributions to the nation's prosperity, so*
12 *that all youth have an equal opportunity at the American dream.*

13 *(d) The My Brother's Keeper Task Force noted that significant*
14 *diversity exists within and among boys and men of color as a*
15 *segment of the population. Differences of language status, income,*
16 *disability, sexual orientation, and many other factors influence*
17 *the identity and experience of these young people, just as with any*
18 *other population.*

19 *(e) My Brother's Keeper is focused on the following milestones:*
20 *(1) getting a healthy start and entering school ready to learn; (2)*
21 *reading at grade level by third grade; (3) graduating from high*
22 *school ready for college and career; (4) successfully entering the*
23 *workforce; and (5) keeping kids on track and giving them second*
24 *chances.*

25 *(f) The My Brother's Keeper Task Force Report to the President*
26 *(May 2014) cites numerous areas in which boys and men of color*
27 *consistently experience disproportionately negative outcomes.*
28 *These areas include living in poverty, living without a male parent*
29 *in the household, high school dropout rates, unemployment, death*
30 *by homicide, and imprisonment.*

31 *(g) The My Brother's Keeper Task Force has identified initial*
32 *recommendations and areas of opportunity at each of these key*
33 *milestones or "focus areas." The task force has also identified*
34 *several cross-cutting areas of opportunity that span all focus areas.*

35 *(h) The recommendations in the My Brother's Keeper Task*
36 *Force Report to the President inform and influence California*
37 *policy and California's compliance with those recommendations*
38 *makes the state more competitive for federal funding and*
39 *strengthens its economic competitiveness.*

1 (i) Our state's future prosperity and health depend on all
2 Californians having a fair chance to thrive and succeed. One of
3 the best investments we can make is to be certain we do everything
4 possible to help young people become healthy, productive adults.
5 As California becomes more diverse, we must nurture and harness
6 the talents, skills, and hopes of young people of color -- boys and
7 young men in particular.

8 (j) The Department of Finance projects California's population
9 of boys and men of color will increasingly represent a growing
10 percentage of the state's male population, reaching close to 80
11 percent for boys and men of color compared to 20 percent for
12 non-Hispanic white males by 2050.

13 (k) The Assembly Select Committee on the Status of Boys and
14 Men of Color in California has recognized that boys and young
15 men of color are in jeopardy, and this poses a serious threat to
16 California's economic strength and competitiveness.

17 (l) The Assembly Select Committee on the Status of Boys and
18 Men of Color's policy framework emphasizes the following issues:
19 (1) health and safety; (2) education; (3) juvenile justice; (4)
20 employment and wealth; and (5) youth development. Related issues
21 that have been recommended for expansion of the committee's
22 work include higher education, immigration, and housing.

23 (m) Community and youth leaders from across the state have
24 taken a significant interest in partnering with government and
25 systems leaders through the Alliance for Boys and Men of Color
26 in order to improve the health and success of our state's young
27 people of color.

28 SEC. 2. Chapter 3.4 (commencing with Section 8265) is added
29 to Division 1 of Title 2 of the Government Code, to read:

30
31 CHAPTER 3.4. INTERAGENCY TASK FORCE ON THE STATUS OF
32 BOYS AND MEN OF COLOR

33
34 8265. (a) (1) There is in state government the Interagency
35 Task Force on the Status of Boys and Men of Color, which shall
36 serve as a support mechanism for department, agency, and systems
37 leaders by taking coordinated action in meeting the myriad
38 challenges facing boys and men of color, and assisting the
39 respective departments and agencies in more successfully
40 improving life outcomes for this population.

(2) *It is the intent of the Legislature that the task force include participation from a core set of department, agency, and systems leaders with discretion and responsibility for policy areas of primary importance to the fulfillment of the Final Report and Policy Platform for State Action (2012–2018) of the Assembly Select Committee on the Status of Boys and Men in California.*

(b) *The task force shall be comprised of the following 21 members:*

(1) *One Member of the Senate, appointed by the President Pro Tempore of the Senate, and one Member of the Assembly, appointed by the Speaker of the Assembly, to the extent that participation is not incompatible with their position as Members of the Legislature.*

(2) *The Superintendent of Public Instruction, or his or her designee.*

(3) *The Secretary for Education, or his or her designee.*

(4) *The President of the University of California, or his or her designee.*

(5) *The Chancellor of the California State University, or his or her designee.*

(6) *The Chancellor of the California Community Colleges, or his or her designee.*

(7) *The Secretary of California Health and Human Services, or his or her designee.*

(8) *The State Public Health Officer, or his or her designee.*

(9) *The Deputy Director of the Office of Health Equity, or his or her designee.*

(10) *The Secretary of Business, Consumer Services, and Housing, or his or her designee.*

(11) *The Secretary of Labor and Workforce Development, or his or her designee.*

(12) *The Director of Employment Development, or his or her designee.*

(13) *The Executive Director of the California Workforce Investment Board, or his or her designee.*

(14) *The Chair of the California Workforce Investment Board, or his or her designee.*

(15) *The Secretary of Transportation, or his or her designee.*

(16) *The Director of Finance, or his or her designee.*

(17) *The Attorney General, or his or her designee.*

1 (18) *The Secretary of the Department of Corrections and*
2 *Rehabilitation, or his or her designee.*

3 (19) *The Chair of the Board of State and Community*
4 *Corrections, or his or her designee.*

5 (20) *The Chief Justice of California, or his or her designee.*

6 (c) *The task force shall elect one of its members to serve as*
7 *chair of the task force. Desirable qualifications for the position of*
8 *chair shall include, but not be limited to, all of the following:*

9 (1) *He or she should possess a broad and deep understanding*
10 *of the issues facing boys and men of color.*

11 (2) *He or she should be a political appointee with a senior*
12 *leadership role either leading a department or agency or managing*
13 *a significant and pertinent body of work.*

14 (3) *He or she should have a demonstrated strong and positive*
15 *working relationship with the members of the Legislature and the*
16 *Governor.*

17 (d) *All members of the task force shall hold office until the*
18 *appointment of their successors.*

19 8266. *Meetings of the task force shall be subject to the*
20 *Bagley-Keene Open Meetings Act (Article 9 (commencing with*
21 *Section 11120) of Chapter 1 of Part 1 of Division 3).*

22 8267. *The task force shall have the powers and authority*
23 *necessary to carry out the duties imposed upon it by this chapter;*
24 *including, but not limited to, all of the following:*

25 (a) *To employ any administrative, technical, or other personnel*
26 *necessary for the performance of its powers and duties.*

27 (b) *To hold hearings, make and sign any agreements, and to do*
28 *or perform any acts that may be necessary, desirable, or proper*
29 *to carry out the purposes of this chapter.*

30 (c) *To cooperate with, and secure the cooperation of, any*
31 *department, division, board, bureau, commission, or other agency*
32 *of the state to facilitate the task force properly to carry out its*
33 *powers and duties.*

34 (d) *To appoint advisers or advisory committees from time to*
35 *time when the task force determines that the experience or expertise*
36 *of the advisers or advisory committees is needed for projects of*
37 *the task force. Section 11009 shall apply to these advisers or*
38 *advisory committees.*

39 (e) *To accept any federal funds granted, by act of Congress or*
40 *by executive order, for all or any of the purposes of this chapter.*

1 (f) *To accept any gifts, donations, grants, or bequests for all or*
2 *any of the purposes of this chapter.*

3 8268. (a) *Within six months after the effective date of this*
4 *chapter, the task force shall complete all of the following*
5 *requirements:*

6 (1) *Assess existing department and agency programs that align*
7 *with the priorities outlined in the May 2014 My Brother's Keeper*
8 *Task Force Report to the President. Based on this assessment, the*
9 *task force shall identify state opportunities to partner and*
10 *coordinate with the work of the federal My Brother's Keeper Task*
11 *Force.*

12 (2) *Assess the Governor's Budget to identify those areas in*
13 *which the budget priorities are in alignment with the objectives*
14 *of the task force.*

15 (3) *Review the action plan of the Final Report and Policy*
16 *Platform for State Action (2012–2018) of the Assembly Select*
17 *Committee on the Status of Boys and Men of Color in California,*
18 *and identify ambitious state goals for boys and men of color, as*
19 *well as barriers to achieving desired results.*

20 (b) *Upon completion of the requirements in subdivision (a), the*
21 *long-term, ongoing responsibilities of the task force shall include*
22 *all of the following:*

23 (1) *Assessing state policies, regulations, and programs with*
24 *respect to boys and men of color, and the development of proven*
25 *and promising strategies to enhance positive outcomes and*
26 *eliminate or mitigate negative outcomes.*

27 (2) *Preparing population and agency-specific data on boys and*
28 *men of color in California. The task force shall aggregate the data*
29 *and make it publicly available in a manner that does not reveal*
30 *personally identifiable information or otherwise conflict with*
31 *federal or state privacy laws.*

32 (3) *Serving as a liaison to departments and agencies by ensuring*
33 *engagement and partnership with other public, nonprofit, and*
34 *philanthropic entities among the various member agencies and*
35 *with the task force as a whole, and recommend ways to strengthen*
36 *partnerships with external leaders advancing strategies relevant*
37 *to boys and men of color.*

38 (c) *The first meeting of the task force shall be convened on or*
39 *before January 31, 2015. Subsequently, the task force shall convene*
40 *on no less than a quarterly basis to assess progress on its ongoing*

responsibilities pursuant to subdivision (b), and to provide support and ensure coordination across agencies.

(d) (1) Notwithstanding Section 10231.5, the task force shall prepare and submit to the Legislature an annual report on department and agency findings pursuant to this section. The task force shall also report these findings at the Assembly Select Committee on the Status of Boys and Men of Color in California's annual hearing on the status of advancing the committee priorities and policies.

(2) A report submitted pursuant to this subdivision shall be submitted in compliance with Section 9795.

8269. With respect to its duties under Section 8268, the task force shall be an advisory body only, and there shall be no right or obligation on the part of the state, or the parties meeting and conferring, to implement the findings of the task force without further legislation that specifically authorizes that the evaluations, determinations, and findings of the task force be implemented.

8269.5 The Boys and Men of Color Task Force Fund is hereby created as a fund in the State Treasury to carry out this chapter in support of the task force, upon appropriation by the Legislature. Subject to the approval of the Department of Finance, all moneys collected or received by the task force from gifts, bequests, or donations shall be deposited in the State Treasury to the credit of the Boys and Men of Color Task Force Fund in accordance with the terms of the gift or donation from which the moneys are derived and in accordance with Sections 8647, 11005, 11005.1, and 16302 of the Government Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to act quickly to address the challenges facing boys and young men of color by breaking down barriers wherever they exist in state agencies, and to identify means of creating ladders of opportunity for all, it is necessary for this act to take effect immediately.

~~SECTION 1. Article 3.5 (commencing with Section 84350) is added to Chapter 4 of Title 9 of the Government Code, to read:~~

1 Article 3.5. ~~Nonprofit and Multipurpose Organizations~~

2
3 84350. ~~(a) This section shall apply only to a nonprofit~~
4 corporation, as defined in Section 501(c) of the Internal Revenue
5 Code, that satisfies both of the following:

6 ~~(1) The nonprofit corporation makes, in this state, contributions,~~
7 expenditures, or independent expenditures, as defined in Sections
8 82015, 82025, and 82031, respectively, in support of or opposition
9 to a candidate, political party, or ballot measure, or any
10 combination thereof.

11 ~~(2) The aggregate contributions, expenditures, or independent~~
12 expenditures described in paragraph (1) total, in any combination,
13 fifty thousand dollars (\$50,000) or more during a calendar year.

14 ~~(b) The Commission shall develop a Nonprofit and Multipurpose~~
15 Organization Disclosure Statement form that provides for the
16 disclosure of all of the following information relative to the
17 contributions, expenditures, and independent expenditures made
18 by a nonprofit corporation in support of or opposition to a
19 candidate, political party, or ballot measure:

20 ~~(1) The aggregate combined dollar amount of contributions,~~
21 expenditures, and independent expenditures that are made during
22 the reporting period.

23 ~~(2) The amount of expenses attributable to contributions,~~
24 expenditures, and independent expenditures as a percentage of the
25 nonprofit corporation's total expenses that are made during the
26 reporting period.

27 ~~(3) For purposes of a nonprofit corporation for which the~~
28 combined amounts of contributions, expenditures, and independent
29 expenditures made during the reporting period exceed 10 percent
30 of the nonprofit corporation's total expenses, each of the following
31 with respect to contributions, expenditures, and independent
32 expenditures made during that period:

33 ~~(A) The amount of any funds, or the fair market value of any~~
34 services or assets, that are provided in relation to a contribution,
35 expenditure, or independent expenditure.

36 ~~(B) The amount or fair market value of any liabilities incurred~~
37 in relation to a contribution, expenditure, or independent
38 expenditure.

39 ~~(C) The date that the funds, services, or assets were provided~~
40 or the liabilities were incurred.

1 ~~(D) The name and address of the recipient of the contribution,~~
2 ~~expenditure, or independent expenditure.~~

3 ~~(E) A description of the contribution, expenditure, or~~
4 ~~independent expenditure and its purpose, including whether the~~
5 ~~contribution, expenditure, or independent expenditure was made~~
6 ~~in support of or opposition to a candidate, political party, or ballot~~
7 ~~measure.~~

8 ~~(F) Information related to each donor who made donations in~~
9 ~~an aggregate amount of ten thousand dollars (\$10,000) or more to~~
10 ~~the nonprofit corporation during the reporting period, including~~
11 ~~each of the following:~~

12 ~~(i) The name and address of the donor.~~

13 ~~(ii) The name of the employer of the donor, if available.~~

14 ~~(iii) The date and amount of each donation from that donor~~
15 ~~during the reporting period.~~

16 ~~(e) (1) Except as otherwise provided in this subdivision, a~~
17 ~~nonprofit corporation described in subdivision (a) shall file, at a~~
18 ~~time to be determined by the Commission, a Nonprofit and~~
19 ~~Multipurpose Organization Disclosure Statement with the~~
20 ~~Commission for any year in which the nonprofit corporation meets~~
21 ~~the fifty thousand dollar (\$50,000) threshold described in~~
22 ~~subdivision (a). Except as provided in subdivision (d), the~~
23 ~~Commission shall make the filed Nonprofit and Multipurpose~~
24 ~~Organization Disclosure Statement available to the public, as~~
25 ~~required by Section 81008.~~

26 ~~(2) A nonprofit corporation shall not be required to file a~~
27 ~~Nonprofit and Multipurpose Organization Disclosure Statement~~
28 ~~for any period when the nonprofit corporation is filing reports~~
29 ~~either as a committee under Section 82013 or as a sponsor of a~~
30 ~~committee, and the information described in paragraphs (1) and~~
31 ~~(2) of subdivision (b) is disclosed on the committee's reports in a~~
32 ~~manner prescribed by the Commission.~~

33 ~~(3) If a nonprofit corporation required to file a Nonprofit and~~
34 ~~Multipurpose Organization Disclosure Statement pursuant to this~~
35 ~~section maintains one or more segregated bank accounts for the~~
36 ~~purpose of making election-related contributions, expenditures,~~
37 ~~or independent expenditures described in subdivision (a), and those~~
38 ~~accounts represent the exclusive source of the nonprofit~~
39 ~~corporation's election-related contributions, expenditures, and~~
40 ~~independent expenditures in this state, the nonprofit corporation~~

1 is only required to report information described in subparagraph
2 (F) of paragraph (3) of subdivision (b) with respect to donations
3 deposited into the segregated election-related accounts.

4 (d) A nonprofit corporation or a donor to a nonprofit corporation
5 that is subject to the reporting requirements of this section may
6 petition the Commission, no later than 45 days prior to the date
7 on which the Nonprofit and Multipurpose Organization Disclosure
8 Statement must be filed, to maintain the confidentiality of donor
9 information that is disclosed on the statement. If a petitioner
10 demonstrates by clear and convincing evidence that the public
11 disclosure of donor information reported on the Nonprofit and
12 Multipurpose Organization Disclosure Statement will cause undue
13 harm, threats, harassment, or reprisals to the donor or that the donor
14 did not know or have reason to know that his or her donation would
15 be used to make a contribution, expenditure, or independent
16 expenditure described in subdivision (a) in this state, the
17 Commission shall, notwithstanding Section 81008, treat the donor
18 and donation information as confidential and shall redact the donor
19 and donation information from any documents that are made
20 available to the public. The Commission shall inform the petitioner,
21 in writing, whether the petition to maintain the confidentiality of
22 donor and donation information has been granted or denied. The
23 Commission's grant or denial determination shall include a
24 statement of findings and conclusions, and the reasons or basis for
25 the determination.

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

35 SEC. 3. The Legislature finds and declares that this bill furthers
36 the purposes of the Political Reform Act of 1974 within the
37 meaning of subdivision (a) of Section 81012 of the Government
38 Code.